

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

SALVADOR BUCIO, JR.,
JOSE ELPIDIO SOLÓRIO-BEJAR,
Defendants.

NO. CR-11-6072-WFN-1
CR-11-6072-WFN-2

ORDER

A fourth pretrial conference and motion hearing was held September 10, 2012. Defendant Salvador Bucio, Jr. who is in custody, was present and represented by Alex Hernandez, III; Defendant Jose Elpidio Solorio-Bejar, who is also in custody, was present and represented by Kenneth Therrien; Assistant United States Attorney Alexander Ekstrom represented the Government.

During the hearing, the Court denied Defendant Solorio-Bejar's Motion for Reconsideration, finding that the Magistrate Judge's decision was proper. Also during the hearing, Mr. Hernandez informed the Court that Mr. Bucio and the Government had signed a plea agreement. The Court set a change of plea hearing for later in the afternoon. Finally, Mr. Therrien made an oral motion to continue. The Court granted the motion and reset the trial date to December 10, 2012. Mr. Therrien then advised the Court that his client was not willing to sign a waiver of speedy trial and wished to enter a change of plea.

1 The Court has reviewed the file and Motions and is fully informed. This Order is
2 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

3 **IT IS ORDERED** that:

4 **DEFENDANT SOLORIO-BEJAR (2)**

5 1. Defendant Solorio-Bejar's Motion for Reconsideration, filed August 29, 2012,
6 **ECF No. 120**, is **DENIED**.

7 2. Defendant Jose Solorio-Bejar's oral motion for a trial continuance is
8 **GRANTED**.

9 The Court finds that the ends of justice served by the granting of a continuance
10 of the trial in this matter outweigh the best interests of the public and the Defendant
11 in a speedy trial. A trial date of October 9, 2012 would unreasonably deny defense
12 counsel time to review discovery, prepare for trial, and provide effective assistance
13 of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7).

14 3. The trial date of October 9, 2012, is **STRICKEN and RESET to December 10,**
15 **2012, at 10:00 a.m., in Richland,** Washington.

16 4. All time from the trial date of October 9, 2012, to the new trial date of
17 December 10, 2012, is **EXCLUDED AS TO DEFENDANT (2) ONLY** for speedy trial
18 calculations pursuant to 18 U.S.C. § 3161(h)(7).

19 5. The final pretrial conference and motion hearing is **STRICKEN and RESET to**
20 **December 10, 2012, at 9:00 a.m., in Richland,** Washington.

21 6. All time from the filing of Defendant Solorio-Bejar's Motion for Reconsideration,
22 filed August 29, 2012, to the date of the hearing on September 10, 2012, is **EXCLUDED AS**
23 **TO DEFENDANT (2) ONLY** for speedy trial calculations pursuant to 18 U.S.C.
24 § 3161(h)(1)(D).

25 7. An additional pretrial conference and motion hearing shall be held **September 24,**
26 **2012 at 11:15 a.m., in Yakima,** Washington.

1 The District Court Executive is directed to file this Order and provide copies to
2 counsel.

3 **DATED** this 11th day of September, 2012.

4
5
6 09-10-12

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE